

BEN CHANDLER
MEMBER OF CONGRESS
SIXTH DISTRICT, KENTUCKY

COMMITTEE ON APPROPRIATIONS
SUBCOMMITTEE ON INTERIOR, ENVIRONMENT,
AND RELATED AGENCIES

SUBCOMMITTEE ON STATE, FOREIGN
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COMMITTEE ON SCIENCE
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Congress of the United States
House of Representatives

Washington, DC 20515

November 17, 2008

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Honorable Stephen L. Johnson
Administrator, Environmental Protection Agency
Ariel Rios Building 1200 Pennsylvania Avenue NW
Mail Code: 1101A
Washington, DC 20460

Dear Administrator Johnson:

I am writing to express my opposition to the Office of Surface Mining Reclamation and Enforcement's (OSM) proposed clarifications of the Stream Buffer Zone rule.

Kentucky is the third largest producer of coal in the nation, and as America's energy demands continue to grow, coal is a critical component in our national energy portfolio. Coal is a driver of the Appalachian economy and keeps electricity rates low, especially in my home state of Kentucky.

At the same time, Kentucky's water resources are essential to economic development, not to mention Kentuckians' health and quality of life. As such, we cannot allow our ecologically sensitive and interconnected creeks, streams and rivers to be fouled any more than is absolutely necessary.

The Stream Buffer Zone—established in 1983 to prevent mine spoil and waste from being dumped within 100 feet of any perennial or intermittent stream—is under attack by this proposed rule. The rule would remove existing protections which would, quite simply, make it easier to put spoil and waste in our creeks, streams and rivers. Numerous studies have confirmed that the harm caused to aquatic resources does not end with buried stream segments under the valley fills, sludge impoundments and other waste disposal sites in the mining regions of Appalachia, but continues far downstream.

The Programmatic Environmental Impact Statement (PEIS) on mountaintop removal and valley fills completed by the current administration in 2005 determined that more than 1,200 miles of streams have already been degraded or destroyed by mountaintop removal since 2001. This is by far the most significant destructive force on the region's waters. The cumulative impact study that accompanied the PEIS concluded that without additional environmental protections, the amount of damage to the region could double by the end of the decade. Therefore, weakening the Stream Buffer Zone rule is a move in the wrong direction.

Kentucky Governor Steve Beshear and I are united in our belief that this rule change is unnecessary and, in fact, damaging to Kentucky's economy and its people. Coal has a long history in our state and will play an important part in our future, but OSM's proposed overhaul of the Stream Buffer Zone rule does nothing but harm the Appalachian communities it purports to help.

I appreciate your consideration of this matter and urge the EPA to decline to give its written concurrence to this rule. Please contact me if I can be of further assistance.

Sincerely,

A handwritten signature in black ink that reads "Ben Chandler". The signature is written in a cursive, slightly stylized font.

Ben Chandler

Member of Congress

BC/jc